

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: W.P.No.27214 of 2025

PROCEEDING SHEET

Sl.No	DATE	ORDER	NOTE
	16.02.2026	<u>NV, J</u> <u>Rev.I.A.No.2 of 2025</u> Heard the learned counsel for the review petitioners/ respondent Nos. 7 and 8 and the learned counsel for the respondents. Learned counsel for the review petitioners submits that the present application is filed seeking to review the final order dated 17.10.2025 passed by this Court in W.P.No.27214 of 2025 since the order of this Court is contrary to the ground reality, revenue record and also contrary to the decree and judgment passed by the trial court in O.S.No.19 of 1999. Hence, learned counsel for the review petitioners seeks to review the orders of this Court.	

		Learned counsel for the respondent Nos. 1 to 9/ petitioners filed counter affidavit denying the claim of the review petitioners to review the order. Heard both the learned counsel and on perusal of the material placed on record, this Court is of the view that the orders dated 17.10.2025 passed by this Court in W.P.No.27214 of 2025 are liable to be reviewed. For more clarification, the relevant portion of the order dated 17.10.2025 passed by this Court in W.P.No.27214 of 2025 is extracted hereunder: <i>“Considering the submissions of both the learned counsel and written instructions furnished by 6th Respondent as well as material placed on record, it is clear and categorical that the land in Sy.No.640 situated at Kuchivaripalli Village and Panchayat, Rajampeta Mandal, Annamayya District is</i>	
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		<i>classified/notified as “Public Rastha” and that once particular land is notified as “Public Rastha”, which is a community property, the same cannot be allowed for any encroachments and same cannot be converted for any other purpose. The contention of learned counsel for the petitioners is that the unofficial respondents without there being any authority or permission are proceeding with the construction by encroaching the subject land in Sy.No.640 and the 6th Respondent – Gram Panchayat is not taking any action is not sounds merit for the reason that as per the instructions submitted by the 6th respondent herein in respect of the dispute regarding the public rastha was determined after having surveyed and demarcated and concluded that it was a Public Rastha. However if any encroachments in respect of the said Public Rastha, the same cannot be allowed and permitted as canvassed by petitioners herein.</i> <i>Therefore, this Court is inclined to dispose of the present Writ Petition directing the 6th</i>	
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		<i>Respondent – Gram Panchayat, if any encroachments said to have been made by unofficial respondents in respect of Public Rastha in Sy.No.640, the same shall be removed by following due process of law as contemplated.”</i> On perusal of the order referred supra, this Court directed the respondent No.6-Gram Panchayat to remove the encroachments made by the unofficial respondents in respect of land in Sy.No.640 by following due process of law under the impression that the subject land in Sy.No.640 is a public rasta as per the contention of the petitioner and writ petition was disposed of. But after considering the material placed on record along with the review petition and also the counter affidavit filed by the respondents, there is no conclusive proof or record that there is a rasta in Sy.No.640. Further, as contended by the learned counsel for the respondents/writ petitioners that even	
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		assuming it is a private rasta, the writ petitioners herein are entitled to claim their easementary rights by initiating appropriate proceedings before the court of law. Considering the same, the order of this Court dated 17.10.2025 in W.P.No.27214 of 2025 is hereby reviewed and paragraph Nos. 4, 5 and 6 in W.P.No.27214 of 2025 are to be modified as follows: “Considering the submissions of both the learned counsel and written instructions furnished by 6th Respondent as well as material placed on record, it is clear and categorical that the land in Sy.No.640 situated at Kuchivaripalli Village and Panchayat, Rajampeta Mandal, Annamayya District is not a public rasta. Since there is no public rasta in Sy.No.640 situated at	
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		Kuchivaripalli Village and Panchayat, Rajampet Mandal, Annamayya District, the petitioners are not entitled for removal of unofficial respondents. It is further observed that as per the judgment and decree of the trial court as well as the revenue records, the alleged encroachments are not encroachments and that the land in occupation of the unofficial respondents is the private patta property of the unofficial respondents. Therefore, the Gram Panchayat or any public authority have no authority for any alleged removal of occupation in respect of the land of the unofficial respondents. However, the	
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		petitioners in the writ petition are at liberty to initiate appropriate proceedings for establishment of their easementary rights against the alleged property i.e., Sy.No.640 sitauted at Kuchivaripalli Village and Panchayat, Rajampet Mandal, Annamayya District. Accordingly, the writ petition is disposed of. There shall be no order as to costs.” Accordingly, the present application is ordered. Registry is directed to carryout the necessary amendments/corrections and issue modified copy of the order to the parties concerned, accordingly. _____ NV,J NOTE: C.C. by one week (B/o) BSP	
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